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4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT TACOMA

7 BRIAN HOWARD ELLIOTT,

8 Petitioner,

9 v.

10 ELDON VAIL and WASHINGTON
11 STATE DEPARTMENT OF
12 CORRECTIONS,

13 Respondents

NO. C11-5377 BHS/KLS

ORDER GRANTING
RESPONDENT'S MOTION FOR
EXTENSION OF TIME TO FILE
ANSWER

14 Before the Court is Respondent's Motion for Extension of Time to File an Answer to
15 Petition for Writ of Habeas Corpus. ECF No. 13. Respondent's Answer is currently due on
16 August 1, 2011. Respondent requests a forty-five day extension of time until September 14,
17 2011 to allow counsel sufficient time to review and prepare the relevant state court record. *Id.*
18 When counsel for Respondent filed his motion, he had received some but not all of the state
19 court record. In addition, counsel will be on pre-scheduled military leave out of state from
20 August 7 to August 21, 2011. Although the motion for extension is noted for August 12, 2011,
21 the court finds that the request is reasonable.

22 Accordingly, it is **ORDERED:**

23 1. Respondent's motion for an extension of time (ECF No. 13) is **GRANTED**.
24 Respondent shall file his Answer **on or before September 14, 2011**. The Answer will be
25 treated in accordance with Local Rule CR 7. Accordingly, upon receipt of the Answer the
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